

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

**WILLIAM HINES and
KYWANDA HINES**

PLAINTIFFS

v.

4:08CV00589 BSM

**GREEN TREE SERVICING, LLC and
GREEN TREE RECOVERY**

DEFENDANTS

ORDER

Before the court are the motion for sanctions filed by defendant Green Tree Servicing, LLC (“Green Tree”) and plaintiffs’ motion to extend discovery deadline. Green Tree’s motion for sanctions is denied and plaintiffs’ motion to extend discovery deadline is granted.

Green Tree’s motion for sanctions is denied because plaintiffs’ allegedly sanctionable conduct has ended. In its motion for sanctions, Green Tree details its efforts to depose the *pro se* plaintiffs, including a letter requesting mutually agreeable deposition dates and two notices of depositions. Green Tree states that after agreeing to reschedule the depositions set for March 18, 2009, plaintiffs failed to appear on April 1, 2009. Green Tree requests that the court dismiss the case with prejudice for plaintiffs’ failure to comply with requests to take plaintiffs’ depositions. Alternatively, Green Tree requests attorney’s fees, costs of the deposition, and the court reporter appearance fee of \$103.70.

Plaintiffs respond that sanctions are improper because plaintiffs were deposed by Green Tree on May 21, 2009, after plaintiffs retained counsel. Indeed, counsel for plaintiffs entered an appearance on May 6, 2009.

In that plaintiffs have retained counsel and given their depositions, the motion for sanctions is denied.

Plaintiffs' unopposed motion to extend the discovery deadline to permit recently retained counsel to conduct discovery is granted. This case will be continued and a new scheduling order will issue.

Accordingly, defendant Green Tree Servicing, LLC's motion for sanctions (Doc. No. 38) is denied, and plaintiffs' motion to extend discovery deadline (Doc. No. 44) is granted. The court will issue a new scheduling order.

IT IS SO ORDERED this 26th day of June, 2009.


UNITED STATES DISTRICT JUDGE